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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
08 SEP -2 AM 11:54

UNITED STATES OF AMERICA, Plaintiff, v. **Ricardo ALVAREZ-Cordova,** Defendant	)	Magistrate Docket No. '08 MJ 2688 COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **September 1, 2008** within the Southern District of California, defendant, **Ricardo ALVAREZ-Cordova,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico,** was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Ismael A. Canto
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **2ND DAY OF SEPTEMBER, 2008**

Leo S. Papas
UNITED STATES MAGISTRATE JUDGE

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CONTINUATION OF COMPLAINT:
Ricardo ALVAREZ-Cordova

PROBABLE CAUSE STATEMENT

On September 1, 2008, at approximately 1:00 p.m. Border Patrol Agent David Gonzalez and Jason Norris were conducting line watch operations near the town of Jacumba, California. Agent Gonzalez received a report regarding possible alien smuggling activity near the O'Neil Valley. O'Neil Valley is located approximately 30 miles east of the Tecate California Port of Entry and approximately one mile north of the United States/Mexico International Border. Both Agent Gonzalez and Norris responded to the area where they encountered ten subjects who were concealed in thick brush just south of Highway Old 80. Agent Gonzalez approached the ten subjects and identified himself as a United States Border Patrol Agent and questioned all ten subjects as to their citizenship and nationality. All ten subjects, including one later identified as the defendant **Ricardo ALVAREZ-Cordova,** stated that they were citizens and nationals of Mexico without any valid immigration documents that would allow them to enter or remain in the United States legally. At approximately 1:30 p.m. all ten subjects were arrested and transported to the Boulevard Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **May 13, 2008** through **San Ysidro, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.